

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 ISABELLE BICHINDARITZ,

10 Plaintiff,

11 v.

12 UNIVERSITY OF WASHINGTON,

13 Defendant.

Case No. C10-1371RSL

ORDER DENYING DEFENDANT'S
MOTION TO PRECLUDE
PLAINTIFF FROM PRESENTING
NEW THEORIES, WITNESSES, OR
EXHIBITS

14
15 This matter comes before the Court on "Defendant University of
16 Washington's Motion to Preclude Plaintiff from Presenting Proposed New Theories,
17 Witnesses, or Exhibits." Dkt. # 133. Plaintiff will not be permitted to present evidence
18 regarding claims that have not been asserted in this litigation. Plaintiff is not, however,
19 bound to the form of the pretrial order that was generated in the fall of 2011. That
20 document was not filed with the Court and events have since occurred that may impact
21 the way in which the parties decide to pursue their claims and defenses.¹ The revised
22 case management orders reset the deadline for submission of the pretrial order and left

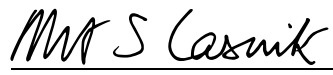
23
24 ¹ The Court struck the original trial date so that the parties could participate in a
25 settlement conference before the Honorable James L. Robart. In addition, some of defendant's
26 key witnesses have moved and plaintiff has associated new counsel.

ORDER DENYING DEFENDANT'S MOTION
TO PRECLUDE PLAINTIFF FROM PRESENTING
NEW THEORIES, WITNESSES, OR EXHIBITS

1 the parties with ample time to made any changes or additions they felt were necessary.
2 Plaintiff is entitled to present the best available evidence in support of her claims and is
3 not required to adhere to the script that was drafted by her former counsel. If, for
4 example, new counsel's review of the documents produced during discovery reveals
5 additional documents that support plaintiff's retaliation claim, the Court will not prohibit
6 their admission simply because former counsel missed them five months ago.

7
8 For all of the foregoing reasons, defendant's motion (Dkt. # 133) is
9 GRANTED in part and DENIED in part.

10
11 Dated this 19th day of March, 2012.

12 
13 Robert S. Lasnik
14 United States District Judge
15
16
17
18
19
20
21
22
23
24
25

26 ORDER DENYING DEFENDANT'S MOTION
TO PRECLUDE PLAINTIFF FROM PRESENTING
NEW THEORIES, WITNESSES, OR EXHIBITS